

PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 05-2191

IN RE: IT GROUP, INC.,
Debtor

JOHN ACCARDI; DAVID L. BACKUS;
ROCHELLE BOOKSPAN; MELISSA L. DUBINSKY;
DENNIS G. FENN; JOHN P. FRANZ;
WILLIAM A. GAUNTT; THOMAS W. GRIMSHAW;
DAVID W. HICKMAN; WARREN C. HOUSEMAN;
STEPHEN C. KENNEY; JAMES R. MAHONEY;
THOMAS R. MARTI; DAVID W. MAYFIELD;
WILLIAM H. MCINTOSH; ROY MCKINNEY;
DAVID C. MCMURTRY; DANIEL C. MELCHIOR, III;
GEORGEANN N. MOREKAS; WILLIAM C. PARIS;
MATTHEW G. RADEK; KEVIN R. SMITH;
LOUIS STOUT; LEONARD YAMAMOTO;
JOHN E. FOLEY; JAMES M. REDWINE;
STEWART BORNHOFT; ENZO ZORATTO;
POLLY QUICK,

Appellants

v.

IT LITIGATION TRUST; IT GROUP, INC.,
and their Affiliates, as employers and fiduciaries,
administrators and sponsors of the Plan;
CARLYLE PARTNERS II, LP, as fiduciary of the Plan
and/or tortfeasor; ANTHONY DELUCA;
FRANCIS J. HARVEY; HARRY J. SOOSE, as fiduciaries of
the Plan and as officers; IT CORPORATION DEFERRED
COMPENSATION PLAN EFFECTIVE JANUARY 1, 1996

On Appeal from the United States District Court
for the District of Delaware
(D.C. Civil No. 04-cv-00146)
District Judge: Honorable Joseph J. Farnan, Jr.

Argued April 3, 2006
Before: RENDELL, SMITH, and BECKER*, Circuit Judges

(Filed : July 10, 2006)

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* The Honorable Edward R. Becker died on May 19,
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Thomas R. Marti; David W. Mayfield;
William H. McIntosh; Roy McKinney;
David C. McMurtry; Daniel C. Melchior, III;
Georgeann N. Morekas; William C. Paris;
Matthew G. Radek; Kevin R. Smith; Louis Stout;
Leonard Yamamoto; John E. Foley;
James M. Redwine; Stewart Bornhoft;
Enzo Zoratto; Polly Quick*

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AMENDMENT TO PRECEDENTIAL
OPINION AND JUDGMENT OF THE COURT

Upon consideration of the uncontested motion by United States Trustee requesting that the Court issue an Order Amending the Opinion and Caption to delete the reference to "Mark S. Kenny, Trustee," it is hereby

ORDERED that the captions of the Court's Opinion and Judgment entered on May 25, 2006 be and the same are hereby so amended.

BY THE COURT:

/s/ Marjorie O. Rendell

Circuit Judge

Dated: July 10, 2006